

ORDINANCE NO. 21-011

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE THIRD & FINAL CHANGE ORDER FOR WORK PERFORMED BY DONLEY'S INDEPENDENCE, INC. (FORMERLY KNOWN AS DONLEY'S, INC.) OF CLEVELAND, OHIO, FOR THE JACKSON STREET PIER REHABILITATION PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, as part of the Bicentennial Vision Comprehensive Plan, the City proclaimed a desire to reconstruct Shoreline Drive in coordination with the rehabilitation of the Jackson Pier; and

WHEREAS, the Jackson Street Pier Rehabilitation Project involved the rehabilitation and landscape of the Jackson Street Pier; and

WHEREAS, subsequent to a Request for Qualifications (RFQ) process, this City Commission approved an agreement with Osborn Engineering of Cleveland, Ohio, for Professional Design Services for the preliminary engineering of the Jackson Street Pier Rehabilitation Project by Ordinance No. 17-010, passed on January 23, 2017, and subsequently approved another agreement for Professional Design Services for the preparation of the design-build documents, bidding documents, and construction engineering by Ordinance no. 17-225, passed on December 11, 2017; and

WHEREAS, the City Commission amended Ordinance No. 17-010, passed on January 23, 2017, to allow the City to transfer of CDBG Funds to the Capital Fund, consistent with the City's CDBG amended FY 2017 One-Year Action Plan, for the cost of the Professional Design Services by Osborn Engineering in the amount of \$146,043.00, by Ordinance No. 18-062, passed on March 26, 2018; and

WHEREAS, the City issued a Request for Qualifications (RFQ) pursuant to the Ohio Revised Code for eligible Design-Build Teams (DBT) and this City Commission approved a Design-Build Contract with Donley's Inc., of Cleveland, Ohio, for the Jackson Street Pier Rehabilitation Project by Ordinance No. 18-193, passed on October 9, 2018; and

WHEREAS, the City Commission approved a Cooperative Agreement with the Ohio Water Development Authority (OWDA) to finance the cost of planning, design, and construction for the Jackson Street Pier Rehabilitation Project by Ordinance No. 18-218, passed on November 13, 2018; and

WHEREAS, this City Commission approved the submission of an application for financial assistance through the Ohio Department of Natural Resources for Capital Improvement Funds for the Jackson Street Pier and Shoreline Drive Rehabilitation Projects by Resolution No. 001-20R, passed January 13, 2020; and

WHEREAS, this City Commission approved an amendment to the agreement with Osborn Engineering of Cleveland, Ohio, for additional Professional Design Services for the Jackson Street Pier Rehabilitation Project by Ordinance No. 20-024,

PAGE 2 - ORDINANCE NO. 21-011

passed on January 27, 2020; and

WHEREAS, this City Commission approved a grant in the amount of \$15,000.00 through the Small Business Assistance Grant Program to Lake Erie Island Cruises, LLC in relation to a food and beverage operation at the Ticket House on the Jackson Street Pier by Ordinance no. 20-029, passed on February 10, 2020; and

WHEREAS, this City Commission approved the First Change Order for additional work for the Ticket House & Foundation and Pavilion Facility in the amount of \$178,693.00 and for the extension of the completion date from March 15, 2020, to May 22, 2020, by Ordinance No. 20-030, passed on February 10, 2020; and

WHEREAS, this City Commission approved the Second Change Order for additional work, which included the U.S. Customs and Border Protection facility, in the amount of \$279,500.00 and for the extension of the completion date from May 22, 2020, to June 12, 2020, by Ordinance No. 20-127, passed on August 24, 2020; and

WHEREAS, this Third & Final Change Order reflects all final quantities, allowances, contingencies, savings, and expenditures related to the project; and

WHEREAS, the current contract with Donley's Independence, Inc. is \$8,324,186.00 and with the **deduction** of this Third & Final Change Order in the amount of \$71,491.18, the final contract cost is \$8,252,694.82 and will be paid as follows:

OWDA - Sewer Funds (Storm Water)	\$ 348,986.27
OWDA - Water Funds	\$ 473,579.07
OWDA - Sewer Funds (Sanitary)	\$ 163,569.74
CDBG Funds (Revolving Loan Fund)	\$ 210,157.00
Capital Funds (Chesapeake TIF proceeds)	\$ 4,321,209.74
ODNR Grant Funds	\$ 70,000.00
Private Funding	\$ 2,501,500.00
Economic Development Incentive Committee Appropriation	\$ 15,000.00
<u>Programming / Marketing Funds</u>	<u>\$ 148,693.00</u>
Total	\$ 8,252,694.82

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to immediately approve the Third & Final Change Order and finalize the

PAGE 3 - ORDINANCE NO. 21-011

contract to allow the bonding agent to release the contractor's performance bond and close out this completed project; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Public Works, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. The City Manager is hereby authorized and directed to approve this Third & Final Change Order for work performed for the Jackson Street Pier Rehabilitation Project and to **deduct** from the contract amount the sum of Seventy One Thousand Four Hundred Ninety One and 18/100 Dollars (\$71,491.18) resulting in a final contract cost of Eight Million Two Hundred Fifty Two Thousand Six Hundred Ninety Four and 82/100 Dollars (\$8,252,694.82) with Donley's Independence, Inc. (formerly known as Donley's, Inc.) of Cleveland, Ohio.

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its

PAGE 4 - ORDINANCE NO. 21-011

adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.



RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION



ATTEST:

MCKENZIE E. SPRIGGS
CLERK OF THE CITY COMMISSION

Passed: January 25, 2021